



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**Sai P. Sunkara**

Examiner: Goldberg, J.

Art Unit: 1614

Serial No.: 09/160,977

Filed: **September 25, 1998**

Title: Method of Treating Cancer by Conjunctive  
Therapy with 2'-Halomethylidene  
Derivatives and a S-Phase or M-Phase  
Specific Antineoplastic Agent

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ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REMARKS

In response to the Restriction Requirement mailed October 28, 1999, applicants hereby elect to prosecute the invention of the method for treating neoplastic disease state in humans employing a combination of the 2'-halomethylidene derivative (E)-2'-deoxy-2'-fluoromethylidenecytidine with the S-phase specific agent cytarabine (ARA-C). The election is made with traverse for the reasons stated below.

The Office Action required that applicant add a claim to the specific elected combination. Considering the combination elected herein, applicants submit that claim 8 is directed to the elected combination of (E)-2'-deoxy-2'-fluoromethylidenecytidine with cytarabine as required by the Office Action. Accordingly, the addition of another claim directed to the elected combination is unnecessary and would likely be rejected under 35 U.S.C. §112 as being drawn to the same method as claim 8.